THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.2666 of 2006

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Dated: February 14, 2006

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Between:

Yentrapragada Soma Raju,

S/o. Suranna, aged 58 years,

R/o. Kommugudem Village,

West Godavari District.

… Petitioner

And

The Special Deputy Collector,

Tribal Welfare, ITDA Office,

K.R. Puram, Buttaigudem Mandal,

West Godavari District, and another.

… Respondents

Order:

In this writ petition, petitioner has questioned the notice dated 28-10-2005, passed in S.R.No.81/2005, which has been issued in exercise of powers under Andhra Pradesh Scheduled Area Land Transfer Regulations 1/59 as amended by Regulation 1/70.

2. It is stated that earlier, such proceedings were initiated for eviction on the ground that the transfer with regard to the land covered by R.S.No.121 admeasuring Ac.3.30 cents of Laxmudugudem Village, Buttaigudem Mandal, West Godavari District was in contravention of the regulations and after conducting initial enquiry, the Special Deputy Collector, Tribal Welfare, K.R. Puram, Buttaigudem Mandal, has dropped the proceedings so far as this Survey No. is concerned. In spite of the same, further order of eviction was passed on 28-02-2000 in S.R.No.212/99, which was questioned by the petitioner before this Court in W.P.No.18286 of 2003. This Court, while setting aside the order of eviction, left it open to the respondents to conduct an enquiry, after giving opportunity to the petitioner and pass appropriate orders. Referring to the orders of this Court, notice dated 28-10-2005 was issued, for which the petitioner is already stated to have submitted representation dated 08-11-2005 bringing to the notice of the respondents about the earlier orders dated 22-07-1991 passed by the Special Deputy Collector, Tribal Welfare, in which, proceedings were dropped so far as the land in S.No.121 is concerned.

3. It is the case of the petitioner that the earlier proceedings were dropped in the absence of any specific contravention, and for reviewing the earlier order; successive enquiries cannot be conducted.

4. However, it is to be noticed that notice dated 28-10-2005 is a notice inviting explanation. Petitioner, in his representation dated
08-11-2005, which is stated to have been filed before the respondents, has already raised such an objection for taking all the proceedings afresh in spite of the earlier orders of the Special Deputy Collector, Tribal Welfare dated 22-07-2001. As much as proceedings are pending and enquiry is taken up consequent to the directions of this Court, this Court cannot enquire into the validity or otherwise of the notice dated 28-10-2005.

5. As much as the petitioner has already filed representation objecting the initiation of proceedings, I dispose of the writ petition directing the Special Deputy Collector,

Tribal Welfare, K.R. Puram, to consider the objections of the petitioner with regard to the initiation of successive eviction proceedings in view of the orders earlier passed on 22-07-2001, which has become final.

6. Subject to the above directions, the writ petition is disposed of.

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JUSTICE R. SUBHASH REDDY.

February 14, 2006

MRR